

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MICHAEL E. WYATT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 7:14cv492
	)	
JOHNNY OWENS, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT WORSHAM'S MOTION UNDER RULE 58(e)**

Defendant Robert Worsham, by counsel, moves the Court pursuant to Rule 58(e) of the Federal Rules of Civil Procedure to order that Plaintiff's motion for attorney's fees has the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59 of the Federal Rules of Civil Procedure and in support thereof states as follows:

1. Plaintiff filed a timely motion for award of fees, expenses, and costs on May 19, 2017.
2. Neither party has filed an effective notice of appeal.
3. It is still possible for either party to file a timely notice of appeal.
4. Counsel for Worsham has discussed this motion with counsel for Plaintiff and counsel for Plaintiff does not object to the motion and entry of an order granting the relief sought.

WHEREFORE, Defendant Robert Worsham respectfully moves the Court for entry of an order pursuant to Rule 58(e).

ROBERT WORSHAM

By /s/ Jim H. Guynn, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 25th day of May, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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